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Subject: 3d Amended Complaint**From:** "Andrew M. Fischer" <afischer@jasonandfischer.com>**Date:** Wed, 15 Feb 2006 14:46:11 -0500**To:** "Andrew J. Gambaccini" <agambaccini@epreardon.com>**CC:** "PELLETIER, N" <nplanetier@Robinson-Donovan.com>, Regina Ryan <rryan@merricklc.com>, John Cloherty <JCloherty@piercedavis.com>, "Mark D. Stern P.C." <markdsternpc@rcn.com>

Andy, et al

I have spoken with Amy Gambaccini regarding three concerns defense counsel had with the 3d amended complaint that I had filed with the Court.

I have revised the complaint (as attached) to address these concerns. Cushman is deleted as a defendant. The defamation count now properly identifies Geoffrey and Wolski. I have also deleted the words "individual defendants" from the caption to Count XIV, per Andy's request, to clarify that there is no question that the count imposes liability against the town under c. 258

I have spoken with clerk Marty Castles about filing it as a "substitute", with a short assented to motion saying that it corrects two scrivener's errors. That would avoid having to amend again and file a 4th amended complaint.

Please confirm your assent with my secretary, Cassandra Johnson, as I will be out of the office from 2/17 to 3/2

Andrew M. Fischer